

COUNTY OF YORK

MEMORANDUM

DATE: January 5, 2006 (BOS Mtg. 1/17/05)

TO: York County Board of Supervisors

FROM: James O. McReynolds, County Administrator

SUBJECT: Application No. UP-689-05, Wanda W. Walls



ISSUE

This application requests a Special Use Permit, pursuant to Section 24.1-306 (Category 2, Number 6) of the York County Zoning Ordinance, to authorize a private kennel on a 1.52-acre parcel of land located at 114 Harrod Lane (Route 678) and further identified as Assessor's Parcel No. 24-58.

DESCRIPTION

- Property Owner: Wanda W. Walls
- Location: 114 Harrod Lane (Route 678)
- Area: 1.52 acres
- Frontage: 208 feet along Harrod Lane
- Utilities: Public water and private septic system
- Topography: Flat
- 2025 Land Use Map Designation: Medium Density Residential
- Zoning Classification: R20 – Medium density single-family residential
- Existing Development: Single-family detached home
- Surrounding Development:
 - North: Single-family detached home
 - East: York County Public Library (Yorktown branch)
 - South: ServiceMaster carpet cleaners
 - West: Terrace grocery/gas station
- Proposed Development: Private kennel for up to fifteen (15) dogs

CONSIDERATIONS/CONCLUSIONS

1. The applicant wishes to operate a private kennel for fifteen (15) dogs that she owns, breeds, and shows. The applicant has stated that she has two dog breeds: Shetland sheepdogs (shelties) and Australian shepherds. According to online research, shelties can weigh 12 to 18 pounds, while shepherds can weigh 40 to 65 pounds. However, the applicant has stated that her shepherds have a maximum weight of 50 pounds and her shelties weigh 20 pounds at most. The property is surrounded on three sides by General Business zoning (to the east, west, and south), while to the north is the only abutting residential lot, zoned R20 (Medium density single-family residential) and located approximately 160 feet from the proposed outside kennel area on the opposite side of the existing house. The subject parcel is zoned R20 and is designated Medium Density Residential in the Comprehensive Plan.
2. Section 24.1-306 (Category 2, Number 6) of the Zoning Ordinance requires a Special Use Permit for a private kennel, which is defined as “Any land or structure used for the keeping, breeding, or care of five (5) or more canines, felines, or hybrids of either, which are over six months of age and which belong to the owner of the premises and which are kept for the purpose of showing, hunting, or as household pets.” The applicant currently owns, breeds, and cares for fifteen (15) dogs on her property and has requested a Special Use Permit to allow her to continue this activity.
3. The applicant has lived at 114 Harrod Lane since 1994 and became aware of the private kennel requirements when a complaint was filed with the County’s Animal Control and Zoning and Code Enforcement Divisions in early October 2005. The complaint was not made by a neighbor, but by another breeder who called into question the ownership of three dogs under Ms. Walls’ possession. The York County Treasurer’s Office issues dog licenses on a yearly basis and has records dating back to 2000. The table shows the licenses issued to 114 Harrod Lane. Licenses for four dogs were issued each year from 2000 through 2002 to the applicant and three in 2003. Starting in 2004, the applicant still had three licenses, while her daughter, who also lives at the address, received one license. In 2005 the applicant and her daughter were issued a total of thirteen (13) dog licenses at the 114 Harrod Lane address.

Year	Number of Licenses		
	<i>Wanda Walls</i>	<i>Adrienne Isham</i>	Total
2005	9	4	13
2004	3	1	4
2003	3	0	3
2002	4	0	4
2001	4	0	4
2000	4	0	4
4. Section 24.1-417 of the Zoning Ordinance sets out performance standards for private kennels. These standards ensure that animals are kept in pens and that runs are set back fifty feet (50') from any residential lot lines. In addition, such runs or pens are to be

screened and buffered to reduce the visual and aural impact on any adjacent properties. The sketch plan submitted by the applicant shows that a 28-foot by 24-foot (675 square feet) kennel area for the dogs will be located in the side yard next to the Yorktown Library entrance road and will be approximately twenty-eight feet (28') from the property line. A six-foot (6') wooden privacy fence currently shields views from Harrod Lane. Additionally, the applicant stated in her letter that the existing 42" fence facing the Yorktown Library entrance would be replaced with a six-foot (6') wooden privacy fence. I have recommended a condition that the kennel be completely screened on all three sides by a six-foot (6') wooden privacy fence. In her application, Ms. Walls did not state when the dogs would be allowed in the outside kennel area; however, I have recommended a condition to limit outdoor activity between the hours of 7:00 AM and 8:00 PM.

5. The property is not within a subdivision and is not subject to any homeowners' covenants, nor does it fall under the jurisdiction of an established homeowners' association.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission considered this application at its December 14 meeting and conducted a public hearing at which the applicant and her daughter spoke. Additionally the owner of a nearby parcel on Harrod Lane spoke against the application because he did not want a kennel near his lot, on which he plans to build a house. The Commission voted 6:1 (Mr. Barba dissenting) to recommend approval of the private kennel with revised conditions. Mr. Barba dissented because he was concerned about number of dogs that would be allowed in a residentially zoned area. To address concerns expressed by the applicant about proposed conditions limiting outside activity by up to four (4) dogs where no such limits apply to other pet owners, the Planning Commission revised Condition Nos. 4 and 5. The two revised conditions clarify that the restrictions regarding outdoor activity apply only when more than four dogs are outside at one time. (For more details please see the attached minutes excerpts.)

COUNTY ADMINISTRATOR RECOMMENDATION

The applicant's property is not located within a traditional single-family neighborhood; rather, it is surrounded by commercially zoned property on three sides and the nearest house within the residential zone is over 260 feet from the proposed outside kennel area. The applicant stated in her letter that she will take measures to reduce barking and odor problems and I have recommended conditions to promote a safe and undistruptive environment for the neighborhood and the dogs. The Zoning Ordinance recognizes that medium density single-family developments may be an inappropriate place to care for numerous animals and, therefore, requires a Special Use Permit so that each proposal can be considered on the basis of its particular site characteristics. Private kennels are allowed as a matter of right in the Rural Residential zoning districts where the minimum lot size is one (1) acre. The applicant's 1.52-acre lot exceeds this larger lot requirement, even though it is in an R20 district and is in fact over three times the 20,000 square foot minimum lot size required in the R20 district. Additionally, the proposed location of the outdoor run and the relative absence of residential neighbors help to ensure compatibility with the surrounding area.

For these reasons, I recommend that the Board approve the application subject to the conditions contained in proposed Resolution R06-11.

Carter:3337/EWA

Attachments

- Zoning map
- Applicant letter
- Sketch plan
- House and outside kennel area sketch
- Excerpts – Planning Commission Meeting Minutes
- Proposed Resolution R06-11